

MARGO A. RAISON, KERN COUNTY COUNSEL
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Attorneys for Defendants

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

ANNA REYES, LEX HUNGERFORD
BARRIOS, and PENELOPE HUNGERFORD
BARRIOS, individually as successors-in-interest to
ANGEL BARRIOS,

Plaintiff,

vs.

COUNTY OF KERN on behalf of: KERN
COUNTY SHERIFF'S OFFICE; DOES 1-60,

Defendant.

Case No. 1:21-cv-01340-BAK (BAM)

STIPULATION AND ~~[PROPOSED]~~ ORDER TO
AMEND THE SCHEDULING ORDER

Pre-Trial Conf. Date: 03/06/2023

Trial Date: 04/17/2023

BY AND BETWEEN THE PARTIES TO THIS ACTION, THROUGH THEIR COUNSEL
OF RECORD:

This stipulation is entered into by and between the plaintiffs and the defendants, by and
through their respective counsel, to modify the Scheduling Order (Doc. 12) in this matter, by
continuing all dates by approximately 90 days.

1. The parties exchanged initial disclosures as ordered on or about 01/07/2022;
2. Plaintiff Anna Reyes served Interrogatories, Requests for Production and Requests

for Admissions to defendant County of Kern, Set One, which were answered by the defendant County of Kern;

3. The defendants obtained decedent Angel Barrios' medical records via subpoena from Kern Medical and autopsy records via subpoena from the Kern County Coroner's office;

4. The parties have not previously requested any amendments to the Scheduling Order in this case;

5. The Declaration of Kathleen Rivera, attached, provides good cause for this request to amend the Scheduling Order. Specifically, this Declaration states:

- Counsel for the defendants has had difficulty being able to conduct discovery as anticipated in this case, due to the press of business; specifically, Kern County Counsel lost three attorneys as of January of 2022, and defense counsel has had to take on numerous cases which were in various stages of litigation;

- Counsel for the defendants responded to extensive discovery requests from plaintiffs, specifically plaintiffs' requests for information two County departments: Kern County Behavioral Health and Kern County Sheriff's Office, which involved the production of just over 2,500 pages in documents, along with videos, audio files and photographs.

Based on the forgoing the parties agree through counsel that good cause exists to amend the scheduling order as follows by extending all dates by approximately 120 days:

| <u>Deadline</u> | <u>Currently</u> | <u>Proposed</u> |
|---------------------------------|------------------|-----------------|
| Discovery cut off: | 09/12/2022 | 1/12/2023 |
| Expert Disclosure: | 09/26/2022 | 1/26/2023 |
| Supp. Expert Disclosure: | 10/17/2022 | 2/17/2023 |
| Expert Discovery Cut Off: | 11/14/2022 | 03/14/2023 |
| Non Dispositive Motion Filing: | 12/05/2022 | 04/05/2023 |
| Non Dispositive Motion Hearing: | 01/03/2023 | 05/03/2023 |
| Dispositive Motion Filing: | 12/28/2022 | 04/28/2023 |
| Dispositive Motion Hearing: | 01/23/2023 | 5/23/2023 |
| Pre-Trial Conference Date: | 03/06/2023 | 07/06/2023 |

1 Trial

04/17/2023

08/17/2023

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3 DATED: September 13, 2022

Respectfully Submitted,

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5 MARGO A. RAISON, COUNTY COUNSEL

6 By: /s/ Kathleen Rivera
Kathleen S. Rivera, Deputy
7 Attorneys for Defendants

8 As the filer of this document, I attest that on September 9, 2022, attorney Dev Das authorized me to
9 affix his electronic signature and file this document

10 DATED: September 13, 2022

Respectfully Submitted,

11
12 GERAGOS & GERAGOS

13 By: /s/ Dev Das
Dev Das
14 Attorneys for Plaintiffs

DECLARATION OF KATHLEEN RIVERA

I, Kathleen Rivera, declare as follows:

1. I am a Deputy County Counsel for the County of Kern and the attorney of record for Defendants in the above-entitled action. I am admitted to practice in the United States District Court for the Eastern District of California.

2. The parties exchanged initial disclosures as ordered on or about 01/07/2022;

3. Plaintiff Anna Reyes served Interrogatories, Requests for Production and Requests for Admissions to defendant County of Kern, Set One, which were answered by the defendant County of Kern;

4. The defendants obtained decedent Angel Barrios' medical records via subpoena from Kern Medical and autopsy records via subpoena from the Kern County Coroner's office;

5. The parties have not previously requested any amendments to the Scheduling Order in this case;

6. Good cause for this request to amend the Scheduling Order. Specifically:

- Counsel for the defendants has had difficulty being able to conduct discovery as anticipated in this case, due to the press of business; specifically, Kern County Counsel lost three attorneys as of January of 2022, and defense counsel has had to take on numerous cases which were in various stages of litigation;

- Counsel for the defendants responded to extensive discovery requests from plaintiffs, specifically plaintiffs' requests for information two County departments: Kern County Behavioral Health and Kern County Sheriff's Office, which involved the production of just over 2,500 pages in documents, along with videos, audio files and photographs.

7. Based on the forgoing the parties agree through counsel that good cause exists to amend the scheduling order as follows by extending all dates by approximately 120 days:

I declare under penalty of perjury under the laws of the United States of America and the State of California that the foregoing is true and correct.

Executed this 7th day of September, 2022

/s/ Kathleen Rivera
Kathleen Rivera

ORDER

The court, having found good cause, and according to the Stipulation of counsel, HEREBY ORDERS that the Scheduling Order be Amended as follows:

| <u>Deadline</u> | <u>VACATED</u> | <u>NEW DATE</u> |
|---------------------------------|----------------|--|
| Discovery cut off: | 09/12/2022 | 1/12/2023 |
| Expert Disclosure: | 09/26/2022 | 1/26/2023 |
| Supp. Expert Disclosure: | 10/17/2022 | 2/17/2023 |
| Expert Discovery Cut Off: | 11/14/2022 | 03/14/2023 |
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| Non Dispositive Motion Hearing: | 01/03/2023 | 05/03/2023 |
| Dispositive Motion Filing: | 12/28/2022 | 04/28/2023 |
| Dispositive Motion Hearing: | 01/23/2023 | 5/23/2023 |
| Pre-Trial Conference Date: | 03/06/2023 | 07/10/2023, at 10:00 AM Bakersfield (BAK) |
| Trial | 04/17/2023 | 08/21/2023, at 8:30 AM Bakersfield (BAK) |

By this stipulation, the Court has granted a lengthy continuance of the Scheduling Order dates. The Court will not grant further continuances, absent good cause, which will be narrowly construed.

IT IS SO ORDERED.

Dated: September 13, 2022

/s/ Barbara A. McAuliffe
UNITED STATES MAGISTRATE JUDGE